

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, claims 1-19 are amended and claim 20 is added. Support for new claim 20 can be found, for example, in Figures 4a and 4b. Thus, no new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

Applicant note with appreciation the indication of allowable subject matter in claims 5, 7-12 and 15-19.

**I. Rejection of Claims under 35 U.S.C. §112, second paragraph**

Claims 1-19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-19 have been amended to overcome the rejection.

Regarding the rejection of claims 6-19 as improperly depending from method claims, the Examiner's attention is directed to § 821.04 of the MPEP, which encourages Applicant to submit dependent claims directed to an apparatus that depend from method claims. The MPEP indicates that such apparatus claims are not improper.

Withdrawal of the rejection is respectfully requested.

**II. Rejection of Claims under 35 U.S.C. §102(b)**

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) over Maudal et al. (U.S. Patent No. 4,561,357). This rejection is respectfully traversed.

Applicant submits that Maudal fails to disclose all of the features recited in independent claim 1. In particular, Maudal fails to disclose a process to correct the trajectory of a spin-stabilised projectile "wherein the at least one correction of the axial position of the projectile's aerodynamic center is made by modifying at least once the length of the body of the projectile in flight, such modification being triggered by control means."

Maudal discloses a projectile (10) comprising a cartridge shell (11) and a rod (40) extending from the rear body of the projectile (10). See, for example, column 3, lines 7-20. The rod (40) is pivotably fastened to the projectile (10).

In Maudal, the length of the projectile is not modified by modifying the length of the body of the projectile in flight, as recited in claim 1. If the rod (40) is viewed as an auxiliary element, then it is not part of the body, and hence does not change the length. On the other hand, if the rod (40) is considered part of the body, one must not only consider the length of the rod (40) with respect to the projectile (1), but the length of the rod per se. To better emphasize this point, claim 1 is also amended to specify that the length is along a central axis of the body. Thus, even if the rod (40) is deflected, its length is not modified and the length of the "body" is not changed, when measured along its central axis (i.e. the length along the center of the front part plus the length along the central axis of the rod). Thus, Maudal fails to disclose a process to correct the trajectory of a spin-stabilised projectile that corresponds to the claimed invention.

Because Maudal fails to disclose all of the features recited in independent claim 1, withdrawal of the rejection is respectfully requested.

Furthermore, regarding U.S. Patent No. 1,278,786 to Teleszky, Teleszky does not disclose a process to correct the trajectory of a spin-stabilised projectile "wherein the at least one correction of the axial position of the projectile's aerodynamic center is made by modifying at least once the length of the body of the projectile in flight, such modification being triggered by control means." Teleszky discloses a shell (10) having a bullet (11) projecting therefrom. The bullet (11) comprises a groove (21) extending from a front part of the bullet (11) to a rear part of the bullet (11). The groove (21) houses a rod (19) that extends the full length of the groove (21). After firing the bullet (11), the rod (19) slides rearward along the groove (21) and thereby lengthens the bullet (11). Accordingly, because the rod

(19) is housed within a front part of the bullet (11) and the rod (19) slides rearward after firing the bullet (11), the front part of the bullet (11) is modified. Thus, Teleszky at most can be interpreted as disclosing modifying a length of the bullet (11) by modifying a front part of the bullet (11). Teleszky does not modify the length of the bullet (11) by modifying the body of the projectile in flight. Further, the rod (19) is an auxiliary element, and is not part of the body, and hence does not change the length. On the other hand, like in Maudal, if the rod (19) is considered part of the body, one must not only consider the length of the rod (19) with respect to the bullet (11), but the length of the rod per se. Thus, even if the rod (19) slides rearward after firing the bullet, its length is not modified, and the length of the "body" is not changed. Therefore, Teleszky does not disclose all of the features recited in independent claim 1.

Claims 2-19 depend from claim 1 and thus are allowable for at least the reasons discussed above, as well as for the additional features recited therein.

New claim 20 includes the features of allowable original claims 11 and 16, and for at least this reason, is also allowable.

### **III. Rejection of Claims under 35 U.S.C. §103(a)**

Claims 3, 4, 6, 13 and 14 are rejected under 35 U.S.C. §103(a) over Maudal et al. (U.S. Patent No. 4,561,357). This rejection is respectfully traversed.

Claims 3, 4, 6, 13 and 14 depend from claim 1 and thus, are allowable for at least the reasons discussed above, as well as for the additional features recited therein. Withdrawal of the rejection is respectfully requested.

### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: January 16, 2007

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